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COVER SHEET: REPLY TO FINAL OFFICE ACTION WITH AMENDMENTS

10/07/05

(Express Mail Label No. ED 442438867 US)

CASE 10/816,420

Applicant: Shirley B. Koffroth

Examiner: Aaron Roane(Art Unit: 3739)

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Case 10/816/420:Petition: Withdrawal Final O.A. & Admission of New Amendments:

Claimed Invention: Ice Belt To Reduce Body Temperature

10/07/2005

Examiner: Aaron F. Roane(Art Unit 3739)

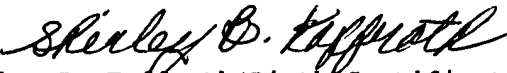
Applicant: Shirley B.Koffroth: 1342 Jaguar Court: Palmdale, CA 93551

To the Commissioner For Patents:

The applicant of Case 10/816,420 respectfully petitions the withdrawal of the Final Office Action(08/11/05)and the admission of the New Claim Amendments enclosed within to said application; for the following good and sufficient reasons why this is necessary and the amendments were not earlier presented.

After the first rejection(03/11/05) of all of the applicant's claims, the applicant sent an early reply(04/11/05). The later was mishandled by USPTO, labeled "miscellaneous papers" and not docketed to the Case examiner until almost two months later(06/03/05). Nonetheless, and because said Case's claims needed amendment, the applicant filed a Supplement Claim Amendment reply (06/11/05), within 90 days after the First Non-Final Office Action; also not docketed to the Case examiner until(06/24/05). At which time, the examiner, whom the applicant was in cordial communication due to the first mishandling of the case's documents, consequently refused to consider the new amendments; expressing by telephone, they had arrived too late as he was very advanced with the Final Office Action; sent(08/11/05)almost two months later.

Therefore, considering the above, that the applicant is a senior citizen (69)and under enormous stress due to the circumstance, the applicant respectfully petitions the withdrawal of Case 10/816,420 Premature Final Office Action; and the opportunity to overcome the Prior Art with New Amendments, New Arguments, and New Evidence in support of Patentability.


Shirley B. Koffroth(Birth Certificate Enclosed)

The annexed New Claim Amendments do not contain material not disclosed or implied in the claimed invention's Disclosure(See Published Patent Application No.0050049551(PPA-{0020}lines 1-5), and are proposed for admission to distinguish the claimed invention from the Prior Art by overcoming it with New Arguments, Evidence and Improvements in support of Patentability as follows:

1. New Claim 1 states the purpose of the Ice Belt to reduce body temperature and avoid heat exhaustion employing the claimed invention to gird the waist when the user is exposed to high, climatic temperatures(as specified throughout the claimed invention's disclosure). As such, this purpose is not compatible with the therapeutic receptacle and wrap, specified in the Prior Art for the soothing and curing of injuries. Although it might be possible to employ an elastic bandage wrap to gird the waist and heal an injury, it would be suffocating to gird the waist with an elastic bandage in high temperatures for the purpose of lowering body temperature & avoiding heat exhaustion. The P.A's limited stretch would not be ample enough to accommodate expanding and disbanding conditions of waistband measurements; explained in great detail in the applicant's disclosure{0016}pp.4 of the PPA, lines 1-12). Nor is waist, body temperature, heat exhaustion etc. said in the P.A's disclosure, nor specified in its claim language.

2. New Claim 1, a) claims "two long strips of non-elastic, cotton

material for a turned out measurement of sufficient length and width to comfortably gird the waist(See PPA-Ice Belt drawings, Fig. 3 & 4)from the midriff down". As such, it is understood that the girding of the waist cannot be accomplished for the purpose of lowering body temperature and avoiding heat exhaustion when the user is exposed to high, climatic conditions, unless the bandage wrap is of double thickness and not elastic. Either wise, the elastic, P.A. devices would bend and wrinkle, thus occasioning perspiration and great discomfort if employed around such a large circumference as the waist for the above specified purpose.

3. New Claim 1, b) claims "two ample lengths of mating, hand-adjustable Velcro fasteners on its extremities, overlapping one upon the other(See PPA drawings, Fig. 2)rather than upon the main body of the belt"(not said in the P.A.'s claim language)and as such, distinguishes the fasteners of the claimed belt invention, located externally on its two extremities, from the fasteners of the P. A., located internally upon the main body of the bandage-wrap devices; overlapping the devices upon themselves; rather than the fasteners upon themselves as in the claimed invention. Thus the elastic texture of the therapeutic wraps, & not the fasteners, adapt the wraps around body parts as claimed: neck, arm, knee etc. Therefore, the wraps would not function around such a large area as the circumference of the waist for the claimed invention's intended purpose; the reason waist is not said in the P.A. claims.

4. New Claim 1, c) claims "the said mating belt fasteners long enough for easy hand adjustments to variables of the waistband measurement;" not alleged in the Prior Art claim language. Yet thoroughly defined in the claimed invention's Detailed Description as cited earlier; thus distinguishing the claimed invention's mating belt fasteners, in design and purpose, from the P. A. concerning accommodating variables of the waistband measurement. As such, and given that the wrap's elastic property, and not the fasteners, are the only means of adaptation, the bandage wrap's fasteners in question could not properly perform the intended use of the claimed invention's fasteners; that of easy hand adjustment accommodating variables in the waistband measurements{0016}1-12}.

5. New Claim 1, d)distinguishes the pocket-like receptacles from those of the Prior Art claiming "at least 6 consecutive pocketlike receptacles on the innermost body contacting side of the belt for the placement of ice bags etc." because they are consecutive rather than separated pockets(Prior Art:6,656,210-page 2 Claims: "spaced relationship etc"); or removable pouches as claimed in Prior Art(6,582,283-Claims 10 & 11; page 3 & 4).

6. New Claim 1, e) specifies a fastening means on the inner side of the upper portion of the pocket-like receptacles to secure the ice bags from falling out when placed around the waist. Although, perhaps logical to an artisan, the pocket fastening means is not

claimed in the Prior Art, nor as being on the upper portion of the pockets to keep the ice bags secure when the wrap is adapted for the girding of the "waist". In fact, "waist" is not said in the Prior Art Disclosures or Claim language.

New Claim 2 overcomes the Prior Art by describing in detail a method to reduce body temperature with the ice belt without replacing the temperature transference agents, the ice bags(PPA, pp. 4, lines 24-26)in the pocket-like receptacles, one by one; the improvement over the Prior Art of refreezing the Ice Belt in its entity; thus departing from standard procedures for conditioning and replacing temperature transference agents, one by one.

New Claim 3, overcomes the Prior Art by describing in detail a method to reduce body temperature in high, outdoor climatic conditions for non-interrupted protection from heat exhaustion by removing the belt from its user in its entity and refreezing it as such. A process neither claimed or mentioned in the Prior Art.

New Claim 4, claims the use of the Ice Belt by replacing the ice bags one by one after removing the belt from the user's waist; therefore overcomes the Prior Art, as the later does not mention removing its wraps from the user's waist for this purpose or any other in its claim language. In fact, the use of the wraps on the waist is not claimed.

New Claim 5, is a method of wearing the Ice Belt over ones clothing

and as such, would not be practical with an elastic bandage wrap because its internal fasteners do not overlap upon themselves and as such, cannot be easily hand adjusted to adapt to waistband variables. Thus, the claimed invention overcomes the Prior Art as wearing the wraps over ones clothing is not claimed; nor does it comply with the scope and spirit of the therapeutical wraps intended use for direct contact with the body to cure injuries.

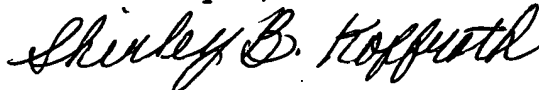
New Claim 6 recites the use of the Ice Belt(again defining it)--associated with military combat activity, over ones clothing, and under a bullet proof vest as specified in the claimed invention's PPA{0019}-line 13. An elastic bandage-type wrap would not be suitable for said purpose because of the reasons stated above. Therefore the Ice Belt's military use overcomes the P.A.

Claims 7-20 recite the use of the Ice Belt associated with police work--under a bullet proof vest--as specified in the Ice Belt PPA: {0019}-line 13}. The belt is further claimed for use associated with Martial Arts, such as Tae Kwon Do, beneath an armored shield as specified in the Ice Belt's PPA{0019 line 14]; and for sports, in general, as specified in the Ice Belt Disclosure(PPA: page 1, line 4;{0004, line 4}, including Football, Baseball and those mentioned from Claim 7 to 19. Finally, in Claim 20, the claimed invention is specified for normal everyday activities to reduce body temperature and avoid heat exhaustion under high, climatic conditions; all intended uses of the claimed invention not

suitable for the Prior Art nor claimed by the later.

In essence, the elastic therapeutic wrap of the Prior Art was not intended or implied for comfortably girding the waist for the purpose of avoiding heat exhaustion under high, outdoor climatic, conditions; preventive medicine as such, and not a treatment of a medical condition that already exists; nor would the Prior Art be suitable for said purpose, methods or usages as set forth in the New Claim Amendments(all supported within the applicant's disclosure). Therefore, the applicant respectfully petitions the cancellation of Case No. 10/816,420 original claims, including those that were not admitted on 06/11/05, and the admission of the New Claim Amendments within proposed to distinguish the claimed invention from the Prior Art more adequately; thus overcoming the Prior Art in support of Patentability.

Thank you,

A handwritten signature in cursive script, reading "Shirley B. Koffroth".

Shirley B. Koffroth(applicant)

P.S. The above explanations of Case No. 10/816,420 New Claim Amendments are included herein with:

1. A letter of petition to the commissioner of Patents for the withdrawal of the case's Final Office Action(08/11/05)with birth certificate;
2. The original canceled claims; and
3. The application's New Claim Amendments.

CITY OF SAINT PAUL, MINN.

DEPARTMENT OF PUBLIC SAFETY—BUREAU OF HEALTH
DIVISION OF VITAL STATISTICS

RECORD OF BIRTH

1. Place of Birth St. Joseph's Hospital Ward 14
2. Full Name of Child Shirley Anne Bernier3. Sex Female 4. Twin, triplet, or other None 5. Number, in order of birth 1 6. Premature No 7. Length 53 8. Date of birth July 14, 19369. Full name of FATHER Robert V. Bernier10. Full name of MOTHER Jane E. Kollofski11. Residence Mendota Minn.12. Residence Mendota Minn.13. Color or race W. 14. Age at last birthday 25 (Years)15. Color or race W. 16. Age at last birthday 22 (Years)17. Birthplace White Bear Minn.18. Birthplace Portland, Oregon19. Trade, profession, or particular kind of work done, as farmer, bookkeeper, etc. Salesman & Draftsman
20. Industry or business in which work was done, as factory, office, bank, etc. Liquid Carbonic Corp.21. Trade, profession, or particular kind of work done, as housekeeper, typist, nurse, clerk, etc. Housewife
22. Industry or business in which work was done, as own home, father's office, factory, etc. Own Home23. Number of children of this mother (At time of this birth and including this child) (a) Born alive and now living 1 (b) Born alive but now dead 0 (c) Stillborn 0

24. If stillborn, period of gestation {months or weeks} 25. Cause of stillbirth {Before labor, During labor}

26. Was 1% silver nitrate used to prevent infant blindness? Yes Yes

CERTIFICATE OF ATTENDING PHYSICIAN OR MIDWIFE

I hereby certify that I attended the birth of this child, who was Born Alive at 8:21 A.M. on the date above stated, and that the above facts as given are true to the best of my knowledge, information and belief.

{When there was no attending physician or midwife, then the father, householder, etc., must make this return.

(Signature) Jas. N. Dunn

PHYSICIAN, MIDWIFE, PARENT OR INTERVIEWER

Date 7/15/36

Address

Given name added from a supplemental report 8/10 1936Filed July 18, 1936

SM 146

REGISTRAR

I hereby certify that the foregoing is a true and correct photocopy of the record of birth filed, recorded and preserved in the office of R. B. J. Schoch, M. D., Health Officer and Registrar
In witness whereof, I have hereunto set my hand and affixed the seal of the Bureau of Health of the City of St. Paul, Minnesota, this 31st day of Dec 1936(Signed) Paul Schoch
Deputy Registrar

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CANCELED ORIGINAL CLAIMS WITH REPLY TO FINAL OFFICE ACTION

Case 10/816/420: Final Office Action(08/11/05): Reply: (11/07/05)

Examiner: Aaron F. Roane(Art Unit 3739)

Applicant: Shirley B.Koffroth: 1342 Jaguar Court: Palmdale, CA 93551

(Original Canceled Claims)

CLAIMS

What I claim as my invention is:

1. An Ice Belt To Reduce Body Temperature as described below;

a strip of flexible material of sufficient length and width to gird the waist from the midriff down, said strip having a body contacting side and an opposite outwardly facing side and an upper edge and lower edge;

pocket-like receptacles secured to the innermost body contacting side of the Ice Belt for the placement of frozen-flexible ice bags--type blue or treated ice; the said belt further contains;

connecting means to secure the upper and lower edges of the belt together and hold the belt in folded condition with the pocket-like receptacles inside the fold and the strip of flexible material to the outside thereof.

2. The belt of claim 1, containing pocket-like receptacles attached to a strip of flexible material for the placement of ice bag's--type blue or treated ice--furthermore contains:

fastening means on the inner side of the upper portion of the pocket-like receptacles; thus securing the ice bags from falling out, and facilitating the removal of the ice bags at intervals for refreezing when the ice melts; depending on the temperature, body functions, and outer garment of the user while wearing the Ice Belt.



10/07/05: REPLY TO FINAL OFFICE ACTION WITH NEW CLAIM AMENDMENTS TO REPLACE 1. ORIGINAL CANCELED CLAIMS & CLAIM AMENDMENTS OF 06/11/05; NOT ENTERED.

Case 10/816/420: Claimed Invention: Ice Belt To Reduce Body Temperature

Examiner: Aaron F. Roane(Art Unit 3739)

Applicant: Shirley B.Koffroth: 1342 Jaguar Court: Palmdale, CA 93551

INDEPENDENT CLAIMS: 1,2, & 6; DEPENDENT CLAIMS: 3,4,5, & 7-20.

NEW CLAIM AMENDMENTS

What I claim as my invention is:

1. An Ice Belt To Reduce Body Temperature and avoid heat exhaustion when the user is exposed to high climatic temperatures, comprising;

a. two long strips of non-elastic cotton material for a turned out measurement of sufficient length and width to comfortably gird the waist from the midriff down;

b. two ample lengths of mating, hand-adjustable Velcro fasteners on its extremities, overlapping one upon the other, rather than upon the main body of the belt;

c. the said mating belt fasteners long enough for easy hand adjustment to variables of the waistband's measurement;

d. at least 6 consecutive pocket-like receptacles on the innermost body contacting side of the belt for the placement of ice bags--type blue or treated ice;

e. a fastening means on the inner side of the upper portion of the pocket-like receptacles to secure the ice bags from falling

10/07/05: REPLY TO FINAL OFFICE ACTION WITH NEW CLAIM AMENDMENTS TO REPLACE 2.
ORIGINAL CANCELED CLAIMS & CLAIM AMENDMENTS OF 06/11/05; NOT ENTERED.

Case 10/816/420: Claimed Invention: Ice Belt To Reduce Body Temperature

Examiner: Aaron F. Roane(Art Unit 3739)

Applicant: Shirley B.Koffroth: 1342 Jaguar Court: Palmdale, CA 93551

out when placed around the waist.

2. A method of refreezing the Ice Belt To Reduce Body Temperature and avoid heat exhaustion when the user is exposed to high, climatic temperatures--defined as two long strips of non-elastic material for a turned out measurement of sufficient length and width to comfortably gird the waist from the midriff down; two ample lengths of mating, hand-adjustable Velcro fasteners on its extremities, overlapping one upon the other, rather than upon the main body of the belt; said mating belt fasteners long enough for easy hand adjustment to variables of the waistband's measurement; at least 6 consecutive pocket-like receptacles with fastening means on the innermost body contacting side of the belt for the placement of type blue or treated ice bags---in its entity, rather than refreezing the ice bags and replacing them one by one; comprising the steps of:

- a. removing the Ice Belt from the user;
- b. rolling the Ice Belt into a small compact unit; and
- c. placing the unit in its entity into a freezer compartment.

3. A method for non-interrupted protection from heat exhaustion with the Ice Belt To Reduce Body Temperature as recited in Claim 2 comprising the steps of:

10/07/05: REPLY TO FINAL OFFICE ACTION WITH NEW CLAIM AMENDMENTS TO REPLACE 3. ORIGINAL CANCELED CLAIMS & CLAIM AMENDMENTS OF 06/11/05; NOT ENTERED.

Case 10/816/420: Claimed Invention: Ice Belt To Reduce Body Temperature

Examiner: Aaron F. Roane(Art Unit 3739)

Applicant: Shirley B.Koffroth: 1342 Jaguar Court: Palmdale, CA 93551

a. removing the melted Ice Belt from the user by quickly pulling loose from the waist the ample lengths of mating, hand-adjustable Velcro belt fasteners located on the ice belt's extremities;

b. taking a freshly frozen ice belt from the freezer compartment and girding the waist with it;

c. pressing shut the mating, velcro belt fasteners located on the ice belt's extremities.

4. A method of employing the Ice Belt To Reduce Body Temperature as recited in Claim 2, for replacing the ice bags, one by one, in their pocket-like receptacles, comprising the steps of:

a. removing the ice belt from the user's waist;

b. taking out the used ice bags from their receptacles; and

c. putting freshly frozen ice bags into the pocket-like receptacles.

5. A method of wearing the Ice Belt, as recited in Claim 2, over ones clothing; comprising the steps of:

a. taking a freshly frozen Ice Belt from its freezer compartment

b. comfortably securing the two ample lengths of mating, hand-adjustable Velcro fasteners on its extremities, around the waist

over ones clothing, then overlapping them upon themselves to

disbanding or expanding waistband measurement, coinciding with the

10/07/05: REPLY TO FINAL OFFICE ACTION WITH NEW CLAIM AMENDMENTS TO REPLACE 4. ORIGINAL CANCELED CLAIMS & CLAIM AMENDMENTS OF 06/11/05; NOT ENTERED.

Case 10/816/420: Claimed Invention: Ice Belt To Reduce Body Temperature

Examiner: Aaron F. Roane(Art Unit 3739)

Applicant: Shirley B.Koffroth: 1342 Jaguar Court: Palmdale, CA 93551

existing waistband variables at the time.

6. The use of the Ice Belt To Reduce Body Temperature when the user is exposed to high, climatic temperatures--defined as two long strips of non-elastic material for a turned out measurement of sufficient length and width to comfortably gird the waist from the midriff down; two ample lengths of mating, hand-adjustable Velcro fasteners on its extremities, overlapping one upon the other, rather than upon the main body of the belt; said mating belt fasteners long enough for easy hand adjustment to variables of the waistband's measurement; at least 6 consecutive pocket-like receptacles with fastening means on the innermost body contacting side of the belt for the placement of type blue or treated ice bags--associated with military combat activity, over ones clothing and under a bullet proof vest.

7. The use of the Ice Belt as recited in Claim 6 associated with police work over ones clothing and under a bullet proof vest.

8. The use of the Ice Belt as recited in Claim 6 associated with football.

9. The use of the Ice Belt as recited in Claim 6 associated with Toe Kwon Do over ones clothing and under an armored shield.

10. The use of the Ice Belt as recited in Claim 6 associated with

10/07/05: REPLY TO FINAL OFFICE ACTION WITH NEW CLAIM AMENDMENTS TO REPLACE 5. ORIGINAL CANCELED CLAIMS & CLAIM AMENDMENTS OF 06/11/05; NOT ENTERED.

Case 10/816/420: Claimed Invention: Ice Belt To Reduce Body Temperature

Examiner: Aaron F. Roane(Art Unit 3739)

Applicant: Shirley B.Koffroth: 1342 Jaguar Court: Palmdale, CA 93551

basketball.

11. The use of the Ice Belt as recited in Claim 6 associated with Volleyball.

12. The use of the Ice Belt as recited in Claim 6 associated with baseball.

13. The use of the Ice Belt as recited in Claim 6 associated with Track(running).

14. The use of the Ice Belt as recited in Claim 6 associated with Soccer Football.

15. The use of the Ice Belt as recited in Claim 6 associated with bicycling.

16. The use of the Ice Belt as recited in Claim 6 associated with tennis.

17. The use of the Ice Belt as recited in Claim 6 associated with aerobics.

18. The use of the Ice Belt as recited in Claim 6 associated with all outdoor sports.

19. The use of the Ice Belt as recited in Claim 6 associated with all indoor sports.

20. The use of the Ice Belt as recited in Claim 6 associated with, but not limited to, normal everyday activities.

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